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Weinstein, Chapter 7 Trustee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re
INDEPENDENT ADOPTION CENTER,
Debtor.

14 MARLENE G. WEINSTEIN, Trustee,
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15 Plaintiff,

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18 GREGORY S. KUHL, SUSAN SPARLING,
19 ALEX KAPLAN, NANCY WORRELL, DAN
WARD, WILLIAM KINNANE, CHRISTINE
20 ZWERLING, MARCIA HODGES, and
NAVIGATORS INSURANCE COMPANY, a
New York corporation,

22 || Defendants.

**STIPULATION TO CONTINUE THE
BRIEFING SCHEDULE AND HEARING
DATE OF MOTIONS TO WITHDRAW
THE REFERENCE, AND ORDER [Local
Rule 7-12]**

Bankruptcy Case No. 17-40327 RLE
Adversary Proceeding No. 17-04020 RLE

24 This Stipulation is entered into by and between Plaintiff Marlene G. Weinstein, Chapter 7
25 Trustee of the estate of Independent Adoption Center, by and through her counsel Jeffrey L.
26 Fillerup of Rincon Law LLP; Defendants Gregory S. Kuhl, Susan Sparling, Alex Kaplan, Nancy
27 Worrell, Dan Ward, William Kinnane, and Christine Zwerling (the “Director Defendants”), by
28 and through their counsel Andrew P. Sclar of Erickson Arbuthnot; and Defendant Marcia Hodges

1 ("Hodges"), by and through her counsel Joanne Madden of LeclairRyan, LLP, as follows:

2 WHEREAS, on February 3, 2017, Independent Adoption Center (the "Debtor") filed a
3 Chapter 7 bankruptcy petition, Bankruptcy Case No. 17-40327 RLE;

4 WHEREAS, Plaintiff Marlene G. Weinstein was appointed as the Chapter 7 Trustee of the
5 Debtor's estate (the "Trustee");

6 WHEREAS, on March 21, 2017, the Trustee filed an adversary proceeding, A.P. No. 17-
7 4020 RLE (the "Adversary Proceeding"), against certain former members of the Debtor's Board
8 of Directors, referred to as the Director Defendants, and a former officer of the Debtor, Marcia
9 Hodges;

10 WHEREAS, the Director Defendants filed a motion to withdraw the reference of the
11 Adversary Proceeding from the Bankruptcy Court to this Court, which is set for hearing in this
12 Court on June 14, 2018;

13 WHEREAS, Hodges also filed a motion to withdraw the reference of the Adversary
14 Proceeding from the Bankruptcy Court to this Court, which is set for hearing in this Court on July
15 5, 2018;

16 WHEREAS, the Trustee plans to oppose the two motions to withdraw the reference;

17 WHEREAS, the Trustee and the Director Defendants/Hodges participated in an all-day
18 mediation at Judicate West on March 21, 2018, and while the Adversary Proceeding did not
19 settle at that time, the parties agreed to continue a second session of the mediation on May 9,
20 2018;

21 WHEREAS, the parties have stipulated to the continuance of certain pre-trial dates in the
22 Adversary Proceeding based on the parties' interest in continuing the mediation process;

23 WHEREAS, the parties are interested in continuing the dates for the briefing and hearing
24 of the Director Defendants' and Hodges' motions to withdraw the reference, until after the
25 second mediation session on May 9, 2018; and

26 WHEREAS, the parties enter into this Stipulation pursuant to Local Rule 7-12 and seek
27 an order approving the continuation of the dates for briefing and hearing of the motions to
28 withdraw the reference, as follows:

1 1. The hearing date of the Director Defendants' motion to withdraw the reference,
2 which is now set for June 14, 2018 at 2:00 p.m. is continued to **July 5, 2018 at 2:00 p.m.** in
3 Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, California.

4 2. The hearing date of Hodges' motion to withdraw the reference will be set at the
5 same date and time, namely, **July 5, 2018 at 2:00 p.m.** in Courtroom 2, 4th Floor, 1301 Clay
6 Street, Oakland, California.

7 3. The date for the Trustee's filing of an opposition to both motions to withdraw the
8 reference is continued to **May 21, 2018.**

9 4. The Director Defendants' reply brief in support of the motion to withdraw the
10 reference is continued to **May 31, 2018.**

11 5. Hodges' reply brief in support of her motion to withdraw the reference is
12 continued to **May 31, 2018.**

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16 DATED: March 30, 2018

RINCON LAW LLP

17 By: */s/Jeffrey L. Fillerup*

18 Jeffrey L. Fillerup
19 Attorneys for Plaintiff Marlene G. Weinstein,
20 Chapter 7 Trustee

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22 DATED: March 30, 2018

ERCIKSEN ARBUTHNOT

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24 By: */s/Andrew P. Sclar*

25 Andrew P. Sclar
26 Attorneys for Defendants Gregory S. Kuhl, Susan
27 Sparling, Alex Kaplan, Nancy Worrell, Dan Ward,
28 William Kinnane, and Christine Zwerling

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2 DATED: March 30, 2018

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4 LECLAIRRYAN, LLP

5 By: /s/Joanne Madden

6 Joanne Madden

7 Attorneys for Defendant Marcia Hodges

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10 Based on the foregoing Stipulation, and for good cause appearing, IT IS HEREBY
11 ORDERED that the foregoing stipulation is approved and is ordered.

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13 Dated: March 30, 2018

14 By:

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Hon. Haywood S. Gilliam, Jr.
United States District Judge

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